IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CIVIL WRIT PETITION NO. 13767 OF 2005

DATE OF DECISION: SEPTEMBER 14, 2006

Parties Name

Gian Singh

..PETITIONER

VERSUS

Additional Registrar, Co-operative Societies(D), Punjab and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASBIR SINGH
HON'BLE MR. JUSTICE PRITAM PAL

PRESENT: Mr. M.S. Kang,
Advocate, for the petitioner.

Mr. K.S.Dadwal, Advocate, for respondent No. 4.

JASBIR SINGH, J. (oral)

JUDGMENT:

Petitioner has filed this writ petition by laying challenge to the orders Annexures P-2 and P-3 and also auction, conducted by the Society of the property, which was lying attached. On May 23, 2006, following order was passed by this Court:-

> "Property of the petitioner was auctioned on April 9, 2005. He has challenged the same by stating that proper procedure was not followed. It is not in dispute that the amount in question is due from the petitioner, against whom arbitration award has become final. At the time of arguments, a fair statement was made by Shri K.S.Dadwal, Advocate, for respondent No. 4, on getting instructions from Secretary of the Co-operative Society,

that in case the petitioner is ready to pay the amount in dispute, i.e., Rs. 10.5 Lakhs, the property in dispute shall be returned to him. In view of this, the petitioner is directed to bring the amount, as referred to above, in Court on the next date of hearing and if he does so, this writ petition shall be allowed, otherwise, it shall be deemed to have been dismissed. Adjourned to July 28, 2006.

On the said date, the petitioner failed to bring the amount in Court. One more opportunity was given to him. Today, his counsel states that he has not brought the amount but buyer is ready with him to purchase the property. Be that as it may, in view of the order passed on May 23, 2006, no option is left with this Court, except to dismiss this writ petition. Otherwise also, it is apparent from the records that the auction/ sale of the property in dispute, has been made in favour of Mukhtiar Singh, who has not been made a party before this Court. No case is made out for interference. Dismissed.

(Jasbir Singh)
Judge

(Pritam Pal)
Judge

September 14, 2006.
DKC